

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No.: 20-CV-954

FARHAD AZIMA,)
)
Plaintiff,)
)
vs.)
)
NICHOLAS DEL ROSSO and VITAL)
MANAGEMENT SERVICES, INC.,)
)
Defendants.)

DEPOSITION OF NICHOLAS DEL ROSSO

Volume I

Contains Confidential Testimony

2:07 P.M.

Monday, February 13, 2023

By: Lisa Taylor, RPR

A P P E A R A N C E S

On behalf of the Plaintiff:

MILLER & CHEVALIER CHARTERED

BY: KIRBY D. BEHRE, ESQ.

IAN HERBERT, ESQ.

900 16th Street NW
Washington, DC 20006
(202) 626-5800
kbehre@milchev.com
iherbert@milchev.com

WOMBLE BOND DICKINSON (US), LLP

BY: CHRISTOPHER W. JONES, ESQ.

555 Fayetteville Street
Suite 1100
Raleigh, NC 27601
(919) 755-2100
chris.jones@wbd-us.com

On behalf of the Defendants:

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

BY: BRANDON S. NEUMAN, ESQ.

JOHN BRANCH, III, ESQ.

- (via videoconference)

MATT GORGA, ESQ.

301 Hillsborough Street
Suite 1400
Raleigh, NC 27603
(919) 329-3800
brandon.neuman@nelsonmullins.com
john.branch@nelsonmullins.com
matt.gorga@nelsonmullins.com

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

BY: SAMUEL ROSENTHAL, ESQ.

101 Constitution Ave NW
Suite 900
Washington, DC 20001
(202) 689-2951
sam.rosenthal@nelsonmullins.com

1 Q. When is the last time you corresponded
2 with Mr. Hughes?

3 A. I have no -- I really have no idea. I
4 don't remember.

5 Q. And by correspond, of course I mean
6 text or e-mail or anything other than --

7 A. Phone call, yeah. No, I don't
8 remember that.

9 Q. Caroline Black of Dechert, have you
10 ever spoken to her?

11 A. I've spoken to her when I first got
12 interviewed in 2014. That's the last time I spoke
13 to her.

14 Q. And when you say "interviewed," what
15 are you referring to?

16 A. They wanted to conduct -- I'm assuming
17 that this is the purpose of it, but I don't know --
18 that they wanted to interview me before retaining
19 me.

20 Q. And by "they," you mean Dechert?

21 A. Dechert.

22 Q. And where did this interview take
23 place?

24 A. In London.

25 Q. And where in London?

1 A. At their office.

2 Q. And by "their," you mean Dechert's
3 office?

4 A. Dechert's office, yeah.

5 Q. And was Neil Gerrard present?

6 A. He wasn't, no.

7 Q. Caroline Black, you said, was.
8 Anybody else?

9 A. There was somebody else, but I -- I
10 don't remember their name now, an associate.

11 Q. And how soon after that meeting were
12 you hired?

13 A. I don't remember the date of the
14 meeting, but I was -- we came to an agreement
15 sometime in 2014. August or so was it? I don't
16 remember the date of that either.

17

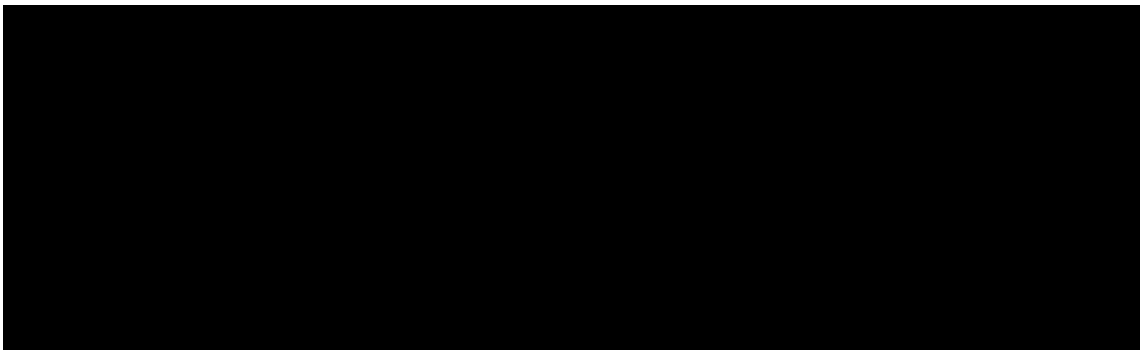
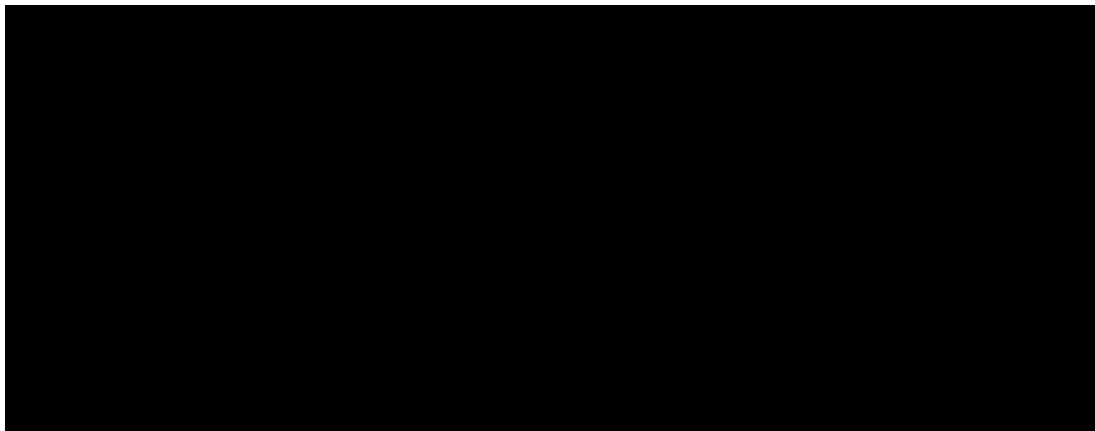
18 MR. NEUMAN: Objection to form. Calls
19 for information that would be protected by
20 the --

21 THE WITNESS: (Indiscernible due to
22 overtalking.)

23 MR. NEUMAN: -- attorney-client
24 privilege.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



Q. And was that agreement in writing?

A. It was, yes.

Q. And who prepared that writing; you or Dechert or somebody else?

A. Dechert did.

Q. And was the agreement executed by both parties?

A. I don't know. Well, I signed it. I don't -- don't remember whether Dechert did.

Q. Do you still have a copy of that agreement?

A. I think my lawyers do, yes. So that's me, I suppose; right?

Q. What about Linda Goldstein -- have you

1 ever spoken to her? -- of Dechert?

2 A. Yes.

3 Q. When is the last time you spoke with
4 her?

5 A. Pretrial.

6 Q. So would that be 2019?

7 A. It could be, yeah. It was -- yeah, I
8 haven't spoken to her since.

9 Q. And did Ms. Goldstein help prepare you
10 for your testimony at the trial of Farhad Azima?

11 A. She interviewed me.

12 Q. And by --

13 A. If that means preparation, I don't
14 know.

15 Q. Sorry to interrupt you. What -- what
16 do you mean by interviewed?

17 A. She conducted an interview of me to
18 learn what I had -- what I had done in relation to
19 the download of the data from the Internet.

20 Q. What about Dorothy Cory-Wright?
21 Does that name ring a bell?

22 A. Excuse me. I don't know who she is,
23 no. I don't -- I don't remember the name if I did.

24 Q. What about Andy Levander?

25 A. No. I know he was the -- the head of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

MR. NEUMAN: Objection to form. Lacks foundation. Objection as to scope. Objection on the basis that it may seek information protected by the attorney-client privilege.

I'll instruct him not to answer on that basis to the extent that it was within Shanahan Law Group's representation of Mr. Del Rosso and/or Vital Management.

MR. BEHRE: Is that what you're representing it was?

MR. NEUMAN: Yes.

BY MR. BEHRE:

[REDACTED]

MR. NEUMAN: Objection. Same objection. Instruct him not to answer.

It also seeks information that's clearly related to the Southern District matter which is under a discovery stay at the moment.

Instruct him not to answer.

MR. BEHRE: Did Mr. -- well, I heard that.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 BY MR. BEHRE:
6 [REDACTED]
7 [REDACTED]

8 MR. NEUMAN: Objection. I'm going to
9 object on the basis that it calls for
10 information protected by the attorney-client
11 privilege and instruct him not to answer.

12 MR. BEHRE: I'm simply asking what the
13 mean -- name means to him.

14 MR. NEUMAN: To extent that the name
15 has meaning associated with work that Dechert
16 was doing for RAK, then that would be
17 privileged, and I'm instructing him not to
18 answer.

19 MR. BEHRE: In theory, it would be.
20 Are you representing that's the case?

21 MR. NEUMAN: I'm rep- -- I'm
22 representing that to the extent it was part
23 of Dechert's representation of RAK, it's not
24 our privilege to waive. RAK holds that
25 privilege.

1 His work was associated with his --
2 with Dechert, who was representing RAK, so I
3 --

4 BY MR. BEHRE:

5 [REDACTED]
6 [REDACTED]

7 MR. ROSENTHAL: Same objection.

8 MR. NEUMAN: Same objection.

9 THE WITNESS: I'm sorry. I'm lost.

10 MR. NEUMAN: Same -- same instruction.
11 Same objection.

12 THE WITNESS: Not to answer?

13 MR. NEUMAN: Right.

14 THE WITNESS: Okay.

15 BY MR. BEHRE:

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 MR. NEUMAN: Objection.

22 Instruction -- instruction not to answer
23 based on privilege.

24 BY MR. BEHRE:

25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

MR. NEUMAN: Same objections.

THE WITNESS: Is that a question I
answer?

MR. NEUMAN: I can't...

THE WITNESS: You can't tell me that.

[REDACTED]

I'm talking about he was paid
handsomely in one lump sum. That's what I
believe.

BY MR. BEHRE:

[REDACTED]

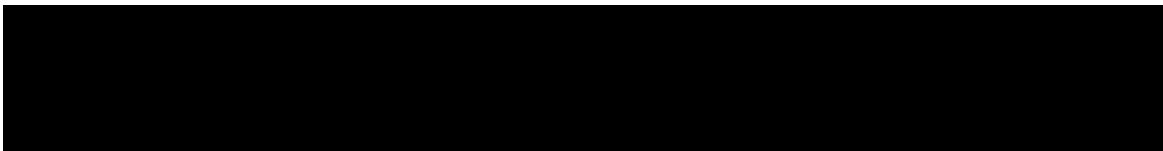
MR. NEUMAN: Objection. Lacks
foundation.

[REDACTED]

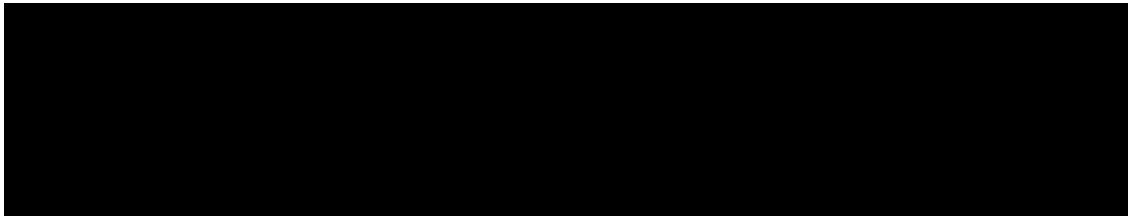
BY MR. BEHRE:

[REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



MR. NEUMAN: Objection. Lacks
foundation.



BY MR. BEHRE:

Q. You said you've seen the records, but
you haven't looked specifically at those entries; is
that what you're saying?

A. I don't know that the entries I saw
had any reference on them.

Q. Other than through the PNC Bank
between 2016 and '17, is there any other bank that
you used to pay CyberRoot?

A. No. PNC was my only bank.

Q. You indicated that in at least one
instance you indicated that you paid -- you received
more than a million dollars from Dechert; is that
correct?

MR. NEUMAN: Objection. Scope.

THE WITNESS: I thought that was what
was being put to me. I don't think I -- you
know, it's -- it's entirely possible. I was

1 doing a lot of work.

2 BY MR. BEHRE:

3 Q. And do you have some explanation,
4 then, why the PNC Bank records don't reflect any
5 payments from Dechert?

6 MR. NEUMAN: Objection. Lacks
7 foundation. Calls for speculation. Scope.

8 THE WITNESS: I'm not entirely sure
9 what you mean.

10 BY MR. BEHRE:

11 [REDACTED]
12 [REDACTED]

13 MR. NEUMAN: Same objections.

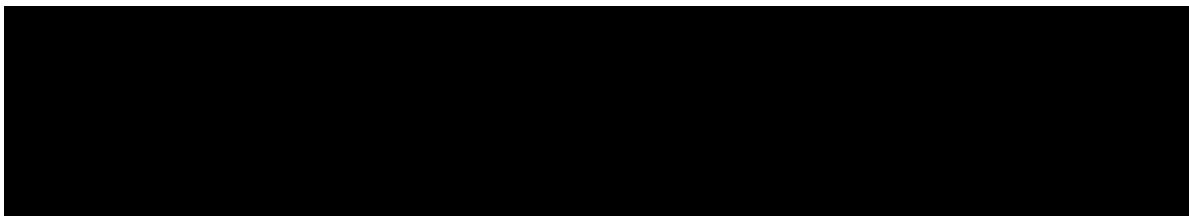
14 [REDACTED]
15 [REDACTED]

16 BY MR. BEHRE:

17 Q. And you've previously represented --
18 and correct me if I'm wrong -- that Dechert paid you
19 at least a million dollars for that work; right?

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



MR. NEUMAN: Objection. Lacks
foundation. Calls for speculation.



BY MR. BEHRE:

Q. And, of course, you monitor your bank
records in realtime; right? You read the statements
when you get them?

MR. NEUMAN: Objection to form.

THE WITNESS: No.

BY MR. BEHRE:

Q. Now I want to go back to the retainer
agreement questions I asked you because I'm a little
bit unclear what you're stating.

Did you have a written agreement with
Dechert?

A. Yes.

Q. Did you sign that written agreement?

A. I did, yes.

Q. Is there one agreement or more than
one?

A. One agreement.

Q. And that was executed in or about

1 2014?

2 A. To the best of my recollection, yes.



7 Q. Who did you invoice for the work that
8 you did for Dechert during those five years?

9 A. Dechert, I believe.

10 Q. And who at Dechert got the -- your
11 invoices?

12 A. (Indiscernible due to overtalking.)

13 Q. And how did you --

14 COURT REPORTER: I'm sorry. I
15 didn't -- you were talking at the same time.

16 MR. BEHRE: Sorry.

17 COURT REPORTER: I didn't get the
18 answer.

19 THE WITNESS: Neil Gerrard, G-E double
20 R-A-R-D.

21 BY MR. BEHRE:

22 Q. And how did you send those invoices to
23 Neil Gerrard?

24 A. E-mail.

25 Q. And did those e-mails go to his e-mail

1 address at the Dechert law firm?

2 A. Yes.

3 Q. And did he have an administrative
4 assistant who received those and processed those for
5 you?

6 A. I -- I don't know what -- what
7 happened to them after I sent them.

8 Q. Did there ever come a time when you
9 had to follow up or, as they say in the UK, chase
10 for payment of your bill?

11 A. Well, follow up and chase, yes.

12 Q. You did follow up and chase?

13 A. Yes.

14 Q. Just like most of us; right?

15 A. Right.

16 Q. And who did you chase when you had to
17 chase?

18 A. Neil.

19 Q. And was he able to assist you in
20 getting payments that might have been behind pay --
21 you know, overdue?

22 A. I know that I got paid eventually, so
23 he must have, but I don't know what he did.

24 Q. You're familiar with Jamie Buchanan,
25 you've already testified; right?

1 attorney-client privilege.

2 BY MR. BEHRE:

3 Q. Are you aware that no documents other
4 than what you produced that belongs to Mr. Azima
5 have been produced?

6 MR. NEUMAN: Asked and answered.

7 THE WITNESS: Yes.

8 BY MR. BEHRE:

9 Q. So the only thing you produced so far
10 is a zip file with Mr. Azima's documents. Can you
11 tell us where you got those documents?

12 A. They were on the Internet.

13 Q. Did you take them from the Internet
14 yourself?

15 A. No.

16 Q. Who did?

17 A. A company called NTi, Northern
18 something or other. Northern Technology or Northern
19 something.

20 Q. And didn't you get some data directly
21 from Aditya Jain?

22 A. No.

23 MR. NEUMAN: Objection. Lacks
24 foundation.

25

1 A. I didn't. I was in hospital when he
2 called me. I had no interest in taking it.

3 Q. And did he --

4 A. Any work.

5 Q. Sorry.

6 Did he make any reference to matters
7 involving Mr. Azima or Mr. Massaad?

8 A. No. Completely unrelated.

9 Q. Was he aware, to the best of your
10 knowledge, that you had been sued?

11 A. It never came up in that conversation.

12 Q. I'd like to talk to you a bit about
13 CyberRoot. Did you pay CyberRoot more than a
14 million dollars?

15 MR. NEUMAN: Objection. Calls for
16 speculation and lacks foundation.

17 THE WITNESS: I haven't tallied it, so
18 I don't know, but I've read that.

19 BY MR. BEHRE:

20 Q. Where have you read that?

21 A. In the pleading, in the filings.

22 Q. And are you aware that CyberRoot at
23 times worked with the company called BelltroX,
24 B-E-L-L-T-R-O-X?

25 A. Again, I don't believe that to be the

1 case, but I don't know.

2 Q. Well, can you explain why in your
3 answer, then, you denied that CyberRoot worked with
4 BelltroX if you don't know?

5 MR. NEUMAN: Objection to form.

6 THE WITNESS: Are we talking about --
7 which answer -- which answer? That I've just
8 given you?

9 BY MR. BEHRE:

10 Q. You just said you don't know --

11 A. Um-hum.

12 Q. -- whether CyberRoot worked with
13 BelltroX; correct?

14 A. Well, I don't know what I don't know,
15 but I don't believe that they've worked with
16 BelltroX.

17 Q. And what's your basis for saying that?

18 MR. NEUMAN: You're asking ever or in
19 relation to Farhad Azima's case?

20 THE WITNESS: What's the basis of me
21 saying that I don't believe they have?

22 MR. BEHRE: Yes.

23 THE WITNESS: Because they've denied
24 it.

25

1 BY MR. BEHRE:

2 Q. Who has?

3 A. Pandey has denied it.

4 Q. And --

5 A. In his witness statements.

6 Q. Okay. And so that's your basis for
7 saying they're not -- they weren't affiliated or
8 working together?

9 MR. NEUMAN: Objection to form. Lacks
10 foundation. Calls for speculation.

11 THE WITNESS: Yes.

12 BY MR. BEHRE:

13 Q. Any -- any other basis besides
14 Mr. Pandey's alleged statement?

15 A. Alleged statement? Did you say
16 alleged statement?

17 Q. (Nonverbal response.)

18 A. It's his statement.

19 Q. Okay. And where -- where do I find
20 that statement?

21 A. It got served on you.

22 Q. Through what?

23 A. In the --

24 MR. NEUMAN: I think he's referring to
25 the recent filing.

1 THE WITNESS: Yeah, the objections to
2 the motion to compel.

3 MR. BEHRE: Okay.

4 THE WITNESS: It's in there.

5 BY MR. BEHRE:

6 Q. And you said you haven't talked to
7 Mr. Pandey since when? 2021?

8 A. I've never spoken to him.

9 Q. So regarding the work that CyberRoot
10 did for you, how did you communicate with that
11 company and its individuals that worked for it?

12 A. Well, there's only one individual who
13 I know at the company and that was...

14 Q. Vijay Bisht?

15 A. Vijay, yeah, Vijay Bisht. And it was,
16 I'm sure, a messaging app.

17 Q. And by messaging app, are you
18 referring to Whatsapp?

19 A. I've never used Whatsapp, no.

20 Q. Confide?

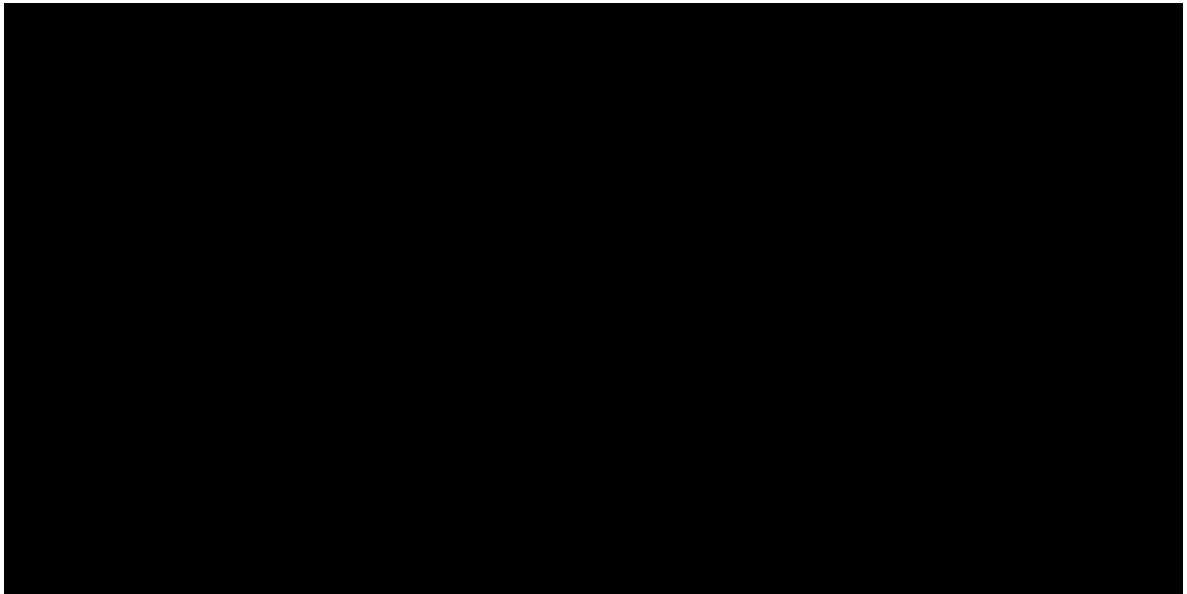
21 A. I don't think so, no.

22 Q. Signal?

23 A. Signal is what I've used, yeah,
24 predominantly.

25 Q. Is that the one you use with

1 BY MR. BEHRE:



10 Q. Well, you -- you discussed CyberRoot
11 in your answer in this case; right?

12 A. Which answer? Which?

13 Q. The answer you filed in this case.
14 You've -- you've discussed at length CyberRoot;
15 right?

16 MR. NEUMAN: Objection. Vague and
17 ambiguous.

18 THE WITNESS: I'm not sure which
19 answer you're talking about.

20 BY MR. BEHRE:

21 Q. The -- so --

22 A. The answer --

23 Q. Let me -- let me step back.

24 A. Um-hum.

25 Q. Are you aware that your lawyers filed

1 an answer on your behalf in this case?

2 A. In answer to what?

3 Q. The answer to the complaint.

4 A. Yes.

5 Q. Okay. And you read that before it was
6 filed?

7 A. Yes.

8 Q. And you approved the content of it?

9 A. Yes.

10 Q. And you also filed a witness statement
11 in -- in this matter; right? Two witness
12 statements, I think.

13 A. In?

14 Q. In North Carolina.

15 A. In North Carolina? Yes.

16 Q. And, in fact, your second witness
17 statement in North Carolina discusses CyberRoot;
18 correct?

19 MR. NEUMAN: Objection. Calls for
20 speculation.

21 If you're --

22 THE WITNESS: I can't recall.

23 MR. NEUMAN: -- going to ask him about
24 it, why don't you put it in front of him.

25 THE WITNESS: I can't recall.

1 MR. BEHRE: No need. You've
2 instructed him not to answer.

3 Now, it's clear that if there was a
4 privilege, he's waived it. He's talked about
5 it in his answer. He's talked about it in
6 his witness statement.

7 MR. NEUMAN: He didn't waive any
8 privilege having anything to do with Dechert
9 work.

10 MR. BEHRE: I don't know. You've --
11 if you look -- look at what you said in your
12 answer. You volunteer a lot of information,
13 but that's up to you.

14 I mean, we're -- we'll -- we have
15 enough issues that will be coming up to the
16 court, so...

17 "Admitted that VMS engaged CyberRoot
18 to provide information technology services
19 related to CyberRoot security, online
20 reputation management, and digital
21 forensics."

22 When I asked him the question, you
23 instructed him not to answer, and it's right
24 in your answer.

25 MR. NEUMAN: Well, my instruction was

1 based on information that would be related to
2 Dechert's work, work with Dechert, and
3 communication that would divulge
4 attorney-client communication that's related
5 to Dechert's representation of RAK.

6 BY MR. BEHRE:

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 MR. NEUMAN: You can answer that.

11 [REDACTED]

12 BY MR. BEHRE:

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. That's it.

19 So the answer says that the work
20 CyberRoot did at -- through its engagement with VMS
21 was precisely that; right?

22 A. Yes.

23 MR. BEHRE: Do you want to withdraw
24 your instruction not to answer?

25 MR. NEUMAN: No. Because you're not

C E R T I F I C A T E

I, Lisa Taylor, Registered Professional Reporter and notary public certify:

That the foregoing deposition of Nicholas Del Rosso was taken before me at the time and place therein set forth at which time the witness was put under oath by me;

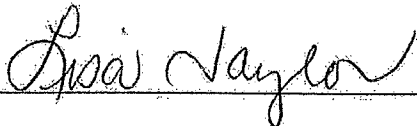
That the testimony of the witness and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing deposition is a true record of the testimony and of all objections made at the time of the deposition.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

My certification as to the accuracy of this transcript, if it has been reformatted or altered from its original form in any manner, is null and void.

In witness whereof, I have subscribed my name this 16th day of February 2023.



Lisa Taylor
Registered Professional Reporter
Notary Public